

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
5:20-cv-000123-FL

KELLY STAFFORD, et al.	)	
	)	
Plaintiff,	)	
	)	
v.	)	DEFENDANT'S
	)	MOTION TO DISMISS
	)	
GERALD M. BAKER, in his official	)	
capacity as Sheriff of Wake County,	)	
North Carolina,	)	
	)	
Defendant.	)	

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Now comes Defendant Gerald M. Baker, in his official capacity as Sheriff of Wake County, North Carolina, by and through his undersigned counsel, and for the reasons more specifically set forth in the Memorandum of Law in Support of Motion to Dismiss attached hereto and filed contemporaneously herewith, respectfully moves the Court pursuant to Federal Rule of Civil Procedure, Rule 12 (b)(1) and (6) to dismiss Plaintiff's Complaint as to all claims against Defendant Gerald M. Baker as the complaint fails to state a viable cause of action against him.

Respectfully submitted, this the 28<sup>th</sup> day of April 2020.

/s/ Paul G. Gessner  
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*Attorney for Defendant Sheriff Gerald M. Baker*

**CERTIFICATE OF SERVICE**

I, Paul G. Gessner, hereby certify that a true and correct copy of the foregoing MOTION TO DISMISS has been electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record per the CM/ECF system.

This the 28<sup>th</sup> day of April 2020.

/s/ Paul G. Gessner

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